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OFFICE OF PETITIONS

In re Application of :
Leonard S. Schultz :
Application No. 10/612,862 :
Filed: 3 July, 2003 :
Atty's Docket No. 14656 :

ON PETITION

This is a decision on the petition filed on 2 April, 2004, requesting that the above-identified application be accorded a filing date of 3 July, 2003, with Page 19 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 3 July, 2003.

Accordingly, on 19 March, 2004, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 3 July, 2003, but that Page 19 of the specification (description and claims) appeared to have been omitted.

In response, on 2 April, 2004, the present petition and a copy of page 19 of the specification was filed. Petitioners argue that Page 19 was filed with the other application papers on 3 July, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 3 July, 2003, and the above-identified application number, and identifies the application by inventor's name, title, and attorney docket number and acknowledges receipt of, *inter alia*, "Specification with Cover Sheet (24 [pages], includes 3 pages of Claims, 1 page Abstract);". Petitioner requests that the application, including

Page 19 of the specification, be accorded a filing date of 3 July, 2003.

A review of the record reveals that no Page 19 of the specification has been located among the application papers received on 3 July, 2003. However, the evidence is convincing that the application papers deposited on 3 July, 2003, included Page 19 of the specification (description and claims), which was subsequently misplaced in the Office. Therefore, the application, including Page 19 of the specification, is entitled to a filing date of 3 July, 2003.

The "Notice" mailed on 19 March, 2004, is withdrawn.

In view of the above, the petition is granted. The petition fee of \$130.00 will be credited to counsel's deposit account, No. 04-1420.

The application will be processed with the copy of Page 19 of the specification supplied on 2 April, 2004, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 3 July, 2003, using the application papers filed on that date, and the copy of Page 19 of the specification supplied with the present petition.

Telephone inquires should be directed to the undersigned at 703-308-6918.



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